

10/673,928
END5209USNPRemarks

Status of Claims:

Claims 11-13 were rejected. Claim 14 has been canceled. Claim 11 has been amended to recite the subject matter previously recited in claim 14. All of the amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

In the Office Action dated 03/17/2006, claims 11-13 were rejected under 35 U.S.C. §102(e) as being anticipated by Adams (6,632,227). Claims 1-10 were allowed. Claim 14 was objected to as being dependent upon a rejected base claim, but would be deemed allowable if rewritten in independent form including the limitations of the base claim and any intervening claims.

Applicant appreciates the Office's indication that claims 1-10 are allowable. Applicant further appreciates the Office's indication that claims 14 would be allowable if rewritten in independent form. Accordingly, claim 11 has been amended to recite the subject matter previously recited in claim 14 (which has been canceled). Independent claim 11 should therefore be in condition for allowance.

All rejected claims have been canceled or amended to incorporate allowable subject matter. Applicant further notes that the dependent claims include additional limitations not taught or suggested in the art of record, thus forming independent basis for novelty and non-obviousness. While Applicant has elected to accept the allowed subject matter, please do not misconstrue such acceptance as an acquiescence to the merits of the rejections. Instead, this amendment merely marks a decision to obtain patent protection on the allowed subject matter without further prosecution in the present application. Applicant traverses the rejections and reserves all rights and arguments. For instance, Applicant traverses the suggestion in the Office Action that Adams teaches that an overtube is inherently rotatable with respect to an endoscope. Such a characteristic does not necessarily flow from the teachings of Adams in accordance with MPEP 2112.

Based on the foregoing, all pending claims are in a condition for allowance. Accordingly, Applicant respectfully requests reconsideration and an early notice of allowance.